

# BOARD OF ADJUSTMENT REPORT



MEETING DATE: 8/2/2006

ITEM NO. \_\_\_\_\_

ACTION REQUESTED: Zoning Ordinance Variance

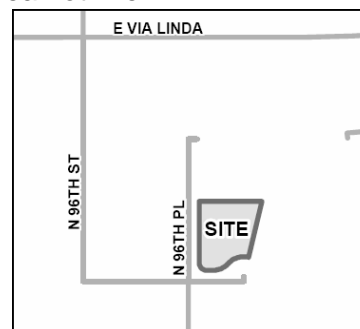
SUBJECT  
**Shoen Residence  
(2-BA-2006)**

REQUEST  
Request to approve a variance from Article VII. Section 7.200.A.4 regarding accessory building setback on rear lot line.

OWNER/APPLICANT  
CONTACT  
Sylvia Shoen  
480-767-7140

LOCATION  
9644 E. Mission Lane

CODE ENFORCEMENT  
ACTIVITY  
Applicant received a Notice of Violation on 3-8-2006. The notice was part of the initial investigation of the property. Applicant has already begun a dialogue with the City of Scottsdale. Lack of compliance was again dated on 3-27-2006. Permits have been acquired for other violations, excluding variance for accessory structure.



PUBLIC COMMENT  
There has been expressed interest from the Scottsdale Ranch Unit IV Community Association in regards to the Applicants violation of the Scottsdale Ranch Community Association's (SCRA) guidelines. Members of the SCRA have submitted a letter detailing the accessory structures violations and a letter from the concerned neighbor to the north of the said property in question.

Andrew West, the homeowner to the north of the property (9313 N. 96<sup>th</sup> Place), has given his approval for the location of the accessory structure per phone conversations and an email. Mr. West had expressed some concern with the structure in the initial stages of the process. After some dialogue and correspondence between Mr. West and the Shoens, Mr. West has stated that he is in agreement with the location of the gazebo.

ZONE  
This site is zoned Single-family Residential District (R1-18 PCD). Zoning requires: front yard setback of 10 ft (25 ft to garage), 0 ft/ 5 ft side yard (10 ft aggregate), 20 ft rear yard, and 10 ft distance between main structure and accessory building.

ZONING/DEVELOPMENT  
CONTEXT  
The site is located approximately 300 feet south of Via Linda and 218 feet east of 96<sup>th</sup> Street. The site is surrounded by single-family homes having similar lot size and development characteristics.

**North:** Via Linda serves as the subdivisions northern boundary. To the north of Via Linda, is a large R-5 PCD zoning hosting condominiums and town homes. To the northeast R-4 PCD urban density Single-family Residences.

**South:** Located to the south area of the subdivision is the Salt River Indian Community.

**East:** To the east there is the R1-10 PCD Single-family Residential subdivision Scottsdale Ranch Unit 5B.

**West:** The Scottsdale Ranch Unit IV subdivision has I-1 PCD zoning located along its western boundary.

#### ORDINANCE REQUIREMENTS

City of Scottsdale Zoning Ordinance Article VII. Section 7.200.A.4 states that: Accessory buildings shall not be constructed closer than two (2) feet to any side or rear lot line, except that accessory buildings within a required side or rear yard which are more than ten (10) feet in height shall be set back an additional one (1) foot for each foot of building height above ten (10) feet.

#### DISCUSSION

The Applicant is requesting a variance of 2 feet and 11 inches for the constructed accessory structure. The Gazebo structure is required to be setback 3 feet from the property line, for its 11 feet in height by ordinance Article VII. Section 7.200.A.4. The accessory structure is constructed approximately 2 inches away from the rear property line for the northwestern column and approximately 1 inch from the property line for the northeastern column.

#### FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

Applicant states that many of the properties in Scottsdale Ranch are undergoing upgrades in order to enhance the owners and neighbor's property value. Neighbors have stated that they use this home as a benchmark for quality enhancements to their homes.

There are no special circumstances in regards to size, shape, topography, location, or surroundings.

- 2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

Applicant states that the gazebo has greatly contributed to the overall property value. Formerly the backyard was vacant of any outdoor landscape. The Jacuzzi and pool were never used due to

extreme exposure to the sun. A recent appraisal states that the home has increased in value due to improvements.

The preservation of the privileges and rights by this property will remain intact regardless of variance outcome. A gazebo having a different location, design, or size may be used to accomplish the intended outcome.

**3. That special circumstances were not created by the owner or applicant:**

The applicant states that the initial structure's pillar elements met the zoning standards, but that the addition of the finished stone treatment to the pillar brought the structure closer to the property line.

The finished stone veneer added to the pillars would minimize the required variance by approximately 3 to 4 inches. The location, design, and size of the accessory structure was created by the applicant.

**4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:**

Applicant states that each of the neighbors, adjacent and neighborhood-wide, support in writing their approval of the gazebo. The gazebo is in the farthest northeast corner of the lot and is surrounded by the neighbor's shrubbery and trees. The neighbor to the north has submitted their approval as part of the Scottsdale Ranch Community Association approval process.

The neighbor to the north Andrew West, at 9313 N. 96<sup>th</sup> Place, has stated in a phone conversation and in an email that he has no problem with the location of the accessory structure. The SRCA has expressed concerns with the accessory structure.

## STAFF CONTACT



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Jesus Murillo, Planner  
Report Author  
Phone: 480-312-7849  
E-mail: [Jmurillo@ScottsdaleAZ.gov](mailto:Jmurillo@ScottsdaleAZ.gov)



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Tim Curtis, Principal Planner  
Phone: 480-312-4210  
E-mail: [TCurtis@ScottsdaleAZ.gov](mailto:TCurtis@ScottsdaleAZ.gov)

## ATTACHMENTS

1. Justification
2. Context Aerial
3. Aerial Close-up
4. Zoning Map
5. Photographs
6. Site Plan
7. Wall Improvement Plan Elevation Detail
8. Ramada Elevation/Roof Plan
9. Structural Engineer Correspondence
10. Neighborhood Correspondence



# ZONING ORDINANCE VARIANCE

## Application Submittal Requirements

### Justification for Variance

The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a separate sheet if you need more room.

1. Special circumstances/conditions exist which do not apply to other properties in the district:

Many of the properties in Scottsdale Ranch are undergoing upgrades in order to enhance the owners & neighbors property value. Our neighbors have stated that they use our home as a benchmark for quality improvements to their homes. We are humbled.

2. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

The Goshko has greatly contributed to the overall property value. Prior the backyard was most of any outdoor landscape. The picnic and pool were never used due to extreme exposure by sun. A recent appraisal states that the home is valued at \$2 million largely due to improvements.

3. Special circumstances were not created by the owner or applicant:

The initial structure of each pillar met the variance standards. Hammer to embellish the pillars. Block and stone were added. As a result the northwest pillar, and measures 8 inches from variance.

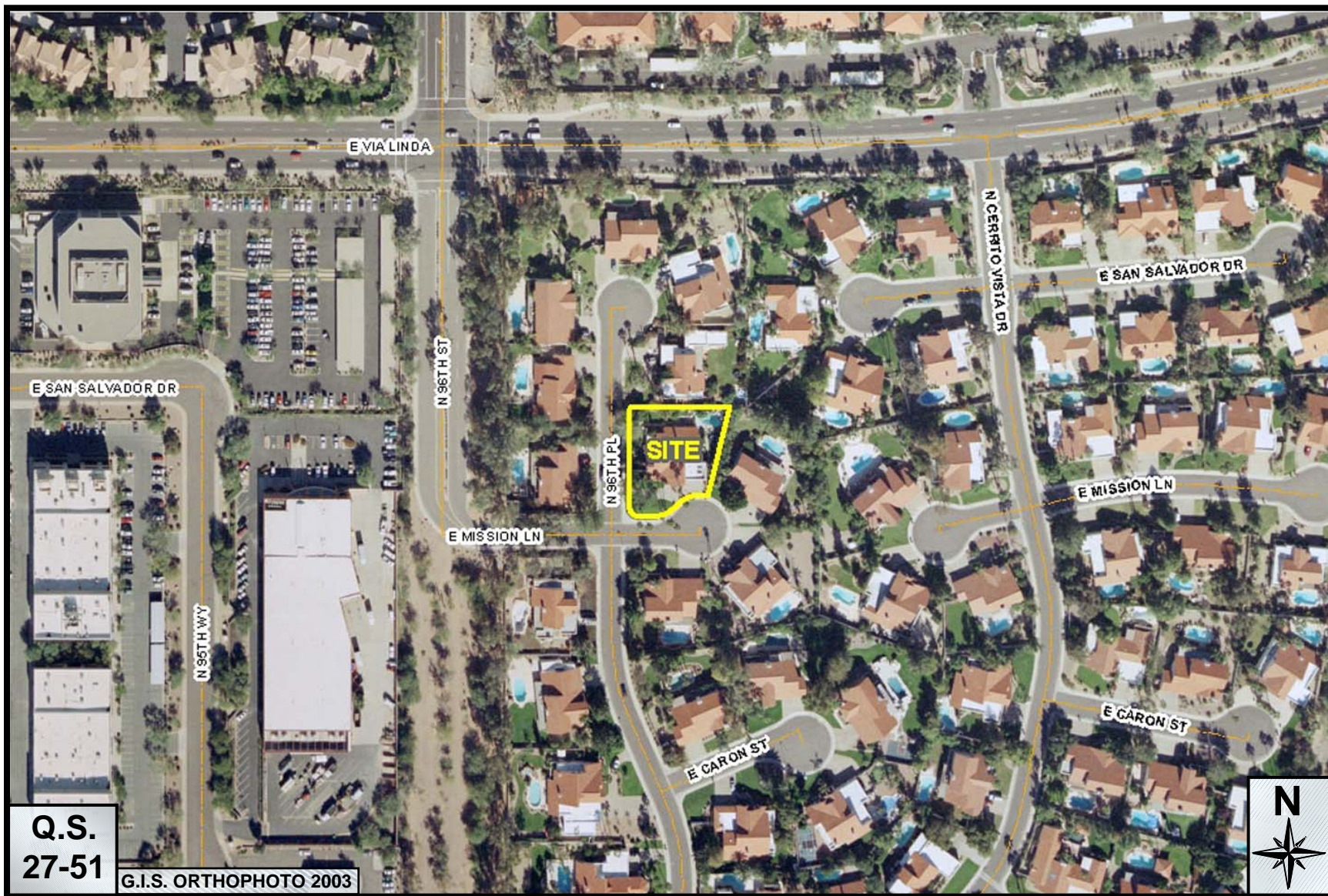
4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

Each of the neighbor adjacent and neighborhood wide support in writing their approval of the Goshko. The Goshko is the furthest owner of each lot and is surrounded by neighbors shrubbery and trees. Our neighbors submitted their approval in writing as part of the

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480.340.7000





Shoen Residence

2-BA-2006

ATTACHMENT #2





Q.S.  
27-51

G.I.S. ORTHOPHOTO 2003

Shoen Residence

2-BA-2006

ATTACHMENT #3



2-BA-2006

ATTACHMENT #4

I



9644 E. Mission Lane







2-BA-2006  
3/20/2006

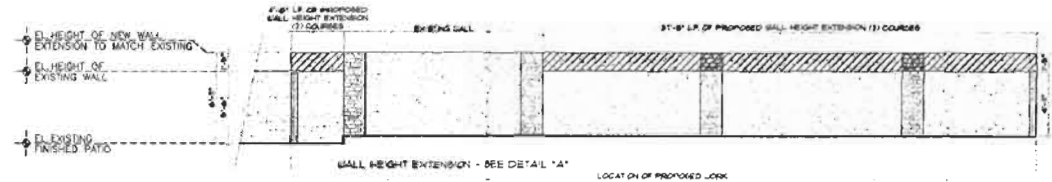






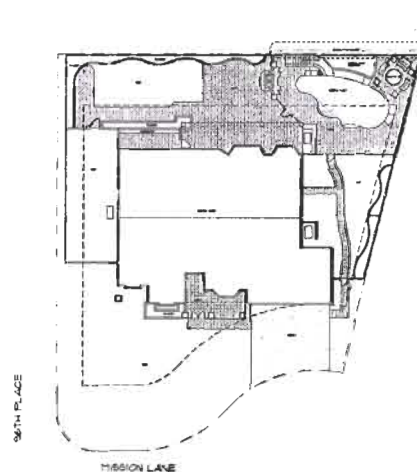






NOTE:  
COLOR, TEXTURE  
AND MATERIAL TO  
MATCH EXISTING  
WALL

PARTIAL WALL ELEVATION SHOWING AREA OF WORK  
SCALE: 1/4"=1'-0"



VICINITY MAP  
SCALE: 1"=20'-0"

EXISTING PLASTER TO BE  
EXTENDED TO MATCH  
EXISTING ADJACENT.  
SINGLE VERTICAL #4  
REINFORCING BAR  
SPliced INTO EACH  
PIASTER. MIN. 10" LAP,  
TYP.

STD. LIGHT  
JOINT LADDER  
W/ 1/4" BARS  
REINFORCEMENT  
40 LONG SIZES

SOLID GROUT  
W/ 1/4" BARS

4"X8"X16"  
INTERLOCKING  
CONG./  
PIASTER UNITS  
TO MATCH  
EXISTING, TYP.

1/4" CONT. HORIZ. 8" CP  
BOND BEAM

WALL  
EXTENSION

NOTE:  
ALL WORK TO MEET  
OR EXCEED  
MINIMUM 2003 IBC  
REQUIREMENTS.

EXISTING 8"  
THICK X 10"  
SIDE FOOTING  
W/ 1/4" CONT.  
HORIZ.

DETAIL A - 4" MASONRY FENCE W/ 8"X8"X16" PILASTER'S  
SCALE: 1/4"=1'-0"

GENERAL NOTES

NOTES:  
1. ALL WORK TO MEET OR EXCEED MINIMUM 2003 IBC REQUIREMENTS.  
2. ALL MATERIALS TO MATCH EXISTING.  
3. ALL WORK TO BE COMPLETED BY 4/1/06.  
4. ALL WORK TO BE COMPLETED BY 4/1/06.  
5. ALL WORK TO BE COMPLETED BY 4/1/06.  
6. ALL WORK TO BE COMPLETED BY 4/1/06.  
7. ALL WORK TO BE COMPLETED BY 4/1/06.  
8. ALL WORK TO BE COMPLETED BY 4/1/06.  
9. ALL WORK TO BE COMPLETED BY 4/1/06.  
10. ALL WORK TO BE COMPLETED BY 4/1/06.

REVISIONS

NO.	DATE	DESCRIPTION
1	4/1/06	ISSUED FOR PERMIT
2	4/1/06	ISSUED FOR PERMIT
3	4/1/06	ISSUED FOR PERMIT
4	4/1/06	ISSUED FOR PERMIT
5	4/1/06	ISSUED FOR PERMIT
6	4/1/06	ISSUED FOR PERMIT
7	4/1/06	ISSUED FOR PERMIT
8	4/1/06	ISSUED FOR PERMIT
9	4/1/06	ISSUED FOR PERMIT
10	4/1/06	ISSUED FOR PERMIT

PROFESSIONAL SEAL

ARCHITECT LOGO

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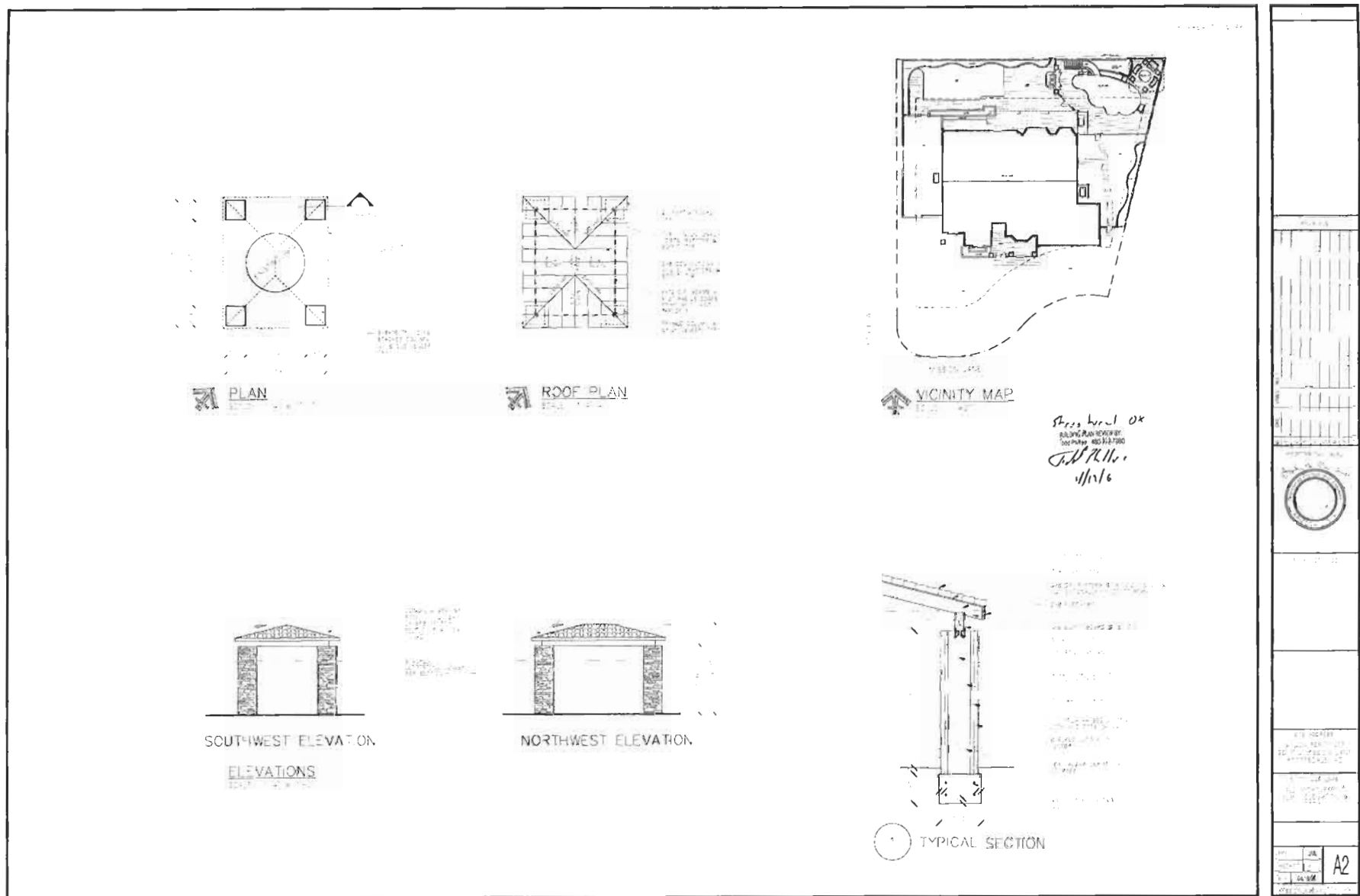
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2-BA-2006  
4/24/2006





2-BA-2006  
4/24/2006

**KAMAL AMIN ASSOCIATES**  
ARCHITECTURE ■ PLANNING ■ STRUCTURAL ENGINEERING  
P.O. BOX 4087, SCOTTSDALE, ARIZONA 85261-4087

TEL 480-837-9556 ■ FAX 480-816-8779  
E-MAIL ■ kaminarch@aol.com  
DOMAIN ■ www.Architect-Kamin.com

10 June, 2005

Scottsdale Building Department  
Re- Shoen Residence, 9644 East Mission Lane (Andalusia)

Subject:  
---16" extension on fence wall  
---Masonry slide structure  
---Masonry Gazebo columns

After visual inspection of these items we concluded they are structurally adequate.

Kamal Amin, PE, Structural



*[Handwritten signature]* 6/10/05

2-BA-2006  
3/20/2006

**ATTACHMENT #9**

**Murillo, Jesus**

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**From:** A. W. [alwest@hotmail.com]  
**Sent:** Sunday, April 30, 2006 5:14 PM  
**To:** Murillo, Jesus  
**Cc:** Joe@uhaul.com; Sylvia@uhaul.com  
**Subject:** FW: Shoen Residence May 3rd hearing. Case number:2-BA-2006

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From: alwest@hotmail.com  
To: JMurillo@ScottsdaleAz.Gov  
CC: Joe@uhaul.com; Sylvia@uhaul.com  
Subject: Shoen Residence May 3rd hearing. Case number:2-BA-2006  
Date: Sun, 30 Apr 2006 18:10:08 -0600

Jesus Murillo  
Staff Coordinator

Mr. Murillo:

This is in response to a letter we received regarding the May 3rd hearing regarding the Shoen residence and their gazebo. I would like to make very clear that we as adjacent neighbors have no problem with the Shoen's gazebo as it stands. As the Shoens and I have discussed and agreed earlier, the wall height should be raised along our common property line. This does not include raising the wall toward the street, but only from the area that has been raised already to the back of our property line. I understand that Mrs. Shoen already has approval for this and all adjacent neighbors are in support of this.

Again let me state that I am in support of the gazebo remaining as it is. Thank you for your understanding.

Sincerely,

Andrew West  
9313 N. 96th Place  
Scottsdale, AZ 85258

cc: Joe and Sylvia Shoen

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05/01/2006

2-BA-2006

ATTACHMENT #10



**Murillo, Jesus**

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**From:** Maggie Babetski [maggiebabetski@scottsdaleranch.org]

**Sent:** Tuesday, April 11, 2006 3:24 PM

**To:** Murillo, Jesus

Hello Jesus,

I have attached a letter regarding the violations as they pertain to the guidelines of Scottsdale Ranch. I will send photos in two separate emails.

Please let me know if you need any further information.



**Maggie Babetski, CMCA**

**Homeowner Liaison**

Scottsdale Ranch Community Association

480-860-2022

04/11/2006

April 11, 2006

Jesus Murillo, Planner  
Planning and Development Services  
7447 E. Indian School Rd. #105  
Scottsdale, AZ 85251

Re: Case # 2BA-2006

Dear Mr. Murillo;

Thank you for meeting with us today regarding the Shoen's rear yard improvements. As I mentioned, I am sending you the guidelines from our documents regarding the water slide, raised wall and the ramada.

To clarify, the unapproved gazebo does not meet the SRCA guidelines for gazebos and ramadas which are as follows:

*Gazebos and Ramadas*

*No gazebo or ramada that is visible to neighboring property, streets or common areas may be constructed without the prior written approval of the Architectural Committee. Gazebos and ramadas are allowed in rear yards only. Gazebos and ramadas must be located a minimum of fifteen (15) feet from a property line and be no higher than fifteen (15) feet at the highest point. Gazebos/ramadas must be painted to match the color of the house or have a natural wood finish. A tile roof on the gazebo/ramada must match the tile color on the existing roof of the house.*

The unapproved raised wall does not meet the following SRCA guidelines for walls and fences:

*Walls and Fences*

*The design, height, color, material and location of all walls and fences, and all modifications, alterations, and additions to walls and fences must be approved by the Architectural Committee prior to commencement of construction, modification or alteration thereof...The standard height of party walls or fences shall be six feet, plus or minus two inches from its foundation. Party walls between properties with elevation differences will require case-by-case approval by the Architectural Committee.*

The unapproved water slide does not meet the following SRCA guidelines for play structures and pools.

*Play structures*

- a. No play structures or playhouses are to be constructed without the prior written approval of the Architectural Committee.*
- b. Play structures and playhouses must be a minimum of ten (10) feet from party walls, if visible over any wall or fence.*
- c. Play structures shall not exceed twelve (12) feet in height at the highest point and eighteen (18) feet in length. Only one (1) platform not to exceed five (5) feet in height measured from the resident's back wall base level will be approved.*

*Pools*

- a. There should be no raised deck areas in excess of twelve (12) inches in elevation.*

Please don't hesitate to contact me if you have any other questions or if I can provide you with any more information.

Sincerely,

Maggie Babetski, CMCA  
Homeowner Liaison  
Scottsdale Ranch Community Association